

Senator Van Zandt offered the following amendment to the resolution:

Amend Committee Substitute for S. J. R. No. 12 by striking therefrom the resolving clause.

Question—Shall the amendment be adopted?

#### Recess

On motion of Senator Moffett, the Senate, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

#### Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 263, "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provision of this Act any indebtedness in litigation, and declaring an emergency."

#### Appointment Announced

Pursuant to Senate Resolution 54, the President announced the appointment of Senator Head as a delegate to the meeting of the Council of State Governments to be held in Chicago on April 5, 6 and 7, 1939.

#### Committee Substitute for Senate Resolution 12 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Committee Substitute for S. J. R. No. 12 on its passage to engrossment, with amendment by Senator Van Zandt, striking out the resolving clause of the bill, pending.

Question—Shall the amendment be adopted?

#### Report of Standing Committee

Senator Collie, by unanimous consent, submitted at this time the following report of the Committee on Public Lands and Land Office:

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all resales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, where such public school lands were forfeited prior to January 1, 1938, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed by the Committee to report back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

#### Adjournment

On motion of Senator Collie, the Senate, at 3:10 o'clock, p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### FORTY-FOURTH DAY

(Friday, March 31, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

**Absent—Excused**

Kelley                      Van Zandt  
Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Kelley was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Winfield.

Senator Van Zandt was granted leave of absence for today, on account of important business, on motion of Senator Cotten.

**House Bills on First Reading**

The following bills received from the House on yesterday, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 39, to Committee on Civil Jurisprudence.

H. B. No. 40, to Committee on Civil Jurisprudence.

H. B. No. 84, to Committee on Game and Fish.

H. B. No. 161, to Committee on Counties and County Boundaries.

H. B. No. 379, to Committee on Counties and County Boundaries.

H. B. No. 640, to Committee on Civil Jurisprudence.

**Senate Bills on First Reading**

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated.

By Senator Nelson:

S. B. No. 420, A bill to be entitled "An Act prescribing the method for

the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

Senator Graves moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

**Absent**

Head	Spears
Small	Van Zandt

**Absent—Excused**

Kelley

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Graves:

S. B. No. 421, A bill to be entitled "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, as amended by S. B. No. 129, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivision 7 of Chapter 1, Title 32, R. C. S. of 1925, repealing all laws

in conflict herewith and declaring an emergency."

Referred to Committee on State Affairs.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, March 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 73, Authorizing R. O. Drake to bring suit against the State Highway Department.

H. C. R. No. 74, Urging the passage of a bill known as the "Truth in Fabric," now pending in the Congress of the United States, being Senate Bill No. 3502.

H. C. R. No. 75, Urging the passage of the McCarran Bill, now pending in the House of Representatives of the Congress of the United States, being Senate Bill No. 90 and House Bill No. 951.

The House has failed to pass the following resolution by a vote of 68 ayes and 74 nays:

H. J. R. No. 16, A Joint Resolution proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Law to provide for the payment of Old Age Assistance subject to certain limitations; and fixing the qualifications of recipients of Old Age Assistance; and fixing the maximum amount which may be granted by the State to each recipient, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need"; providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; etc.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution 76

The following resolution, received from the House today, was laid before the Senate at this time:

H. C. R. No. 76, Recalling H. B. No. 267 from the Senate.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### Committee Substitute for Senate Joint Resolution 12 on Passage to Engrossment

(Unfinished Business).

The President laid before the Senate, as unfinished business, on its passage to engrossment (the resolution having been read second time on Tuesday, March 21, 1939):

C. S. S. J. R. No. 12, A Joint Resolution. Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax, etc.

With an amendment by Senator Van Zandt, striking out the resolving clause of the resolution, pending.

Question—Shall the amendment be adopted?

Senator Weinert moved to postpone further consideration of the resolution until next Monday, April 3, 1939, at the conclusion of the morning call on that day.

The motion prevailed.

#### Proposed Substitute for Senate Joint Resolution 12

Senator Redditt submitted at this time the following proposed substitute for Committee Substitute S. J. R. No. 12, which was ordered printed in the Journal:

Substitute for Committee Substitute S. J. R. No. 12, as amended, by striking out all below the resolving clause and substituting in lieu thereof, the following:

"Section 1. That Article 3 of the Constitution of the State of Texas is hereby amended by adding thereto a section to be known as 'Section 51-E,' as follows:

Sec. 51-E. 1. The Legislature shall

provide for the collection of the taxes levied by this section of the Constitution and the revenue derived therefrom shall be used by it for the purpose of financing the following governmental functions, viz:

(1) Old Age Assistance as authorized by the provisions of Section 51-B of Article 3 of this Constitution.

(2) For Assistance of needy individuals who are blind, as authorized in Section 51-C of Article 3 of this Constitution.

(3) For Assistance of destitute children, as authorized in Section 51-D of Article 3 of this Constitution.

(4) For the payment of the State's contribution to the Teachers' Retirement Fund as authorized by Section 48-A of Article 3 of this Constitution.

(5) For the payment of pensions to disabled and indigent Confederate Soldiers and Sailors and their widows as authorized in Section 51 of Article 3 of this Constitution.

(6) For supplementing the Available School Fund of the State of Texas.

(7) For supplementing equalization school fund.

Sec. 2. In order to provide the revenues for the purposes set out in this amendment, taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources as follows:

(1) Upon every retail sales transaction of tangible personal property in this State the tax shall be one (1c) cent upon each fifty (50c) cents or fractional part thereof of the sale price in excess of nineteen (19c) cents.

(2) Upon every sale in this State of electric energy, and gas (natural or artificial) by private utilities, municipalities and government agencies, except on sales for industrial purposes, the tax shall be one (1c) cent on each fifty (50c) cents, or fractional part thereof of the sale price.

(3) Upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto in this State the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the sale price.

(4) Upon all charges for admission to places of amusement or athletic

contests, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the admission price in excess of twenty-five (25c) cents.

(5) Upon consideration charged for advertising, regardless of the means by which such advertising may be accomplished the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

(6) The service of storing and parking automobiles, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

(7) The service performed and the use granted by the keepers of hotels, rooming houses, apartment houses, apartment hotels and tourist camps, or lodges, in furnishing and renting rooms, apartments and living accommodations, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

(8) The service of advertising or giving publicity to any property, real or personal, or to any commodity, person or service, regardless of the means by which the same is accomplished, the tax shall be one (1c) cent for each fifty (50) cents or fractional part thereof.

(9) The service and privilege furnished by each club maintained for the convenience, entertainment or amusement of its members, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

(10) All services performed by commission merchants, commission agents, brokers and factors as such, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

Sec. 3. The taxes levied under Subsections One (1) to ten (10) inclusive, of Section 2 aforesaid, shall be collected from the purchaser by the seller in every case, and the seller shall pay the tax to the Comptroller as herein provided quarterly. The Legislature in its first session following the adoption of this amendment, shall enact suitable laws to enforce the collection of such taxes. The Legislature shall allow the collector of the taxes above levied in Sub-sections One (1) to ten (10) inclusive, to deduct from the taxes collected not less than three (3) per cent nor more than five (5) per cent to cover collection and remittance costs.

Sec. 4. Each person who owns, controls, manages, leases or operates, any

sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of twenty-five (25c) cents per long ton, or fraction thereof, of all sulphur so produced within the State.

Sec. 5. A severance tax equivalent to three-fourths ( $3/4$ ) of one per cent of the market value of the total amount of gas produced and saved within this State is hereby levied.

Sec. 6. There is hereby levied a severance tax on all oil produced within this State of three-fourths ( $3/4$ ) cent per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions; provided, however, that the severance tax herein levied on oil shall be three-fourths ( $3/4$ ) of one (1%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons.

Sec. 7. Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The Legislature shall enact laws prescribing the method of reporting and collecting all severance taxes and may require the purchaser of oil, gas and sulphur to deduct the tax on all oil, gas and sulphur purchased and pay same to the Comptroller of this State. Until the Legislature shall otherwise provide, the provisions of the existing law providing for an occupation tax on oil, gas and sulphur with reference to paying such occupation tax, the records to be kept and reports to be made in regard thereto, and all other administrative provisions of said law, insofar as they may be given application consistent herewith, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

Sec. 8. Out of the revenues accruing to the State from the sources herein created, the Legislature may appropriate for the fiscal year beginning September 1, 1939, and for each fiscal year thereafter as much as, but not more than Twenty Million (\$20,000,000) Dollars per annum to finance Old Age Assistance; as much as but

not in excess of One and One-half Million Dollars (\$1,500,000) annually to finance assistance for destitute children; not to exceed Five Hundred Thousand Dollars (\$500,000.00) per annum to finance assistance for needy persons who are blind; and so long as necessary, as much as, but not in excess of One and One-half Million Dollars (\$1,500,000) annually to provide for Confederate Soldiers and Sailors, and in addition thereto, not to exceed Five Hundred Thousand Dollars (\$500,000.00) per annum to be used in retiring the deficit in the Confederate Pension Fund. During the biennium beginning September 1, 1939, the Legislature shall appropriate from revenue derived from the sources herein created, sufficient money to meet the constitutional obligation of the State of Texas to the Teachers' Retirement Fund, and such money as may be needed to place said fund in balance on September 1, 1941, and after said biennium the Legislature may appropriate as much as but not in excess of Two and One-half Million Dollars (\$2,500,000) per annum to supply the State's contribution to said Teachers' Retirement Fund. The Legislature is hereby prohibited from resorting to other sources of revenue and from making any other appropriation for the support or assistance to the aged, assistance to the blind, assistance to destitute children, for Confederate pensions, and for Teacher Retirement. After the appropriations herein authorized have been made and satisfied out of money collected by the taxes herein levied, so much of the remaining revenue collected from the sources herein created shall be credited to the Available School Fund as may be necessary to supplement said fund to the extent required to provide a per capita apportionment of \$22.50 for each scholastic on the census roll approved for such fiscal year, and after so crediting the Available School Fund, any money remaining shall be credited to School Equalization Fund to be appropriated by the Legislature.

Sec. 9. The Legislature shall not abate, amend or repeal any existing law which imposes taxes to supply revenue now allocated to the Texas Old Age Assistance Fund until such time as said taxes supplying revenue which is allocated to said fund shall have produced to the sum of Twenty Million Dollars (\$20,000,000) after

September 1, 1939. All such revenue collected up to October 1, 1939, shall be credited to said Texas Old Age Assistance Fund, and the revenue accruing during the month of September, 1939, shall constitute an operating balance for the payment of Old Age Assistance. On and after October 1, 1939, that portion of existing taxes which now provides revenue for the payment of Old Age Assistance shall be used exclusively for retiring the deficit now existing in the General Revenue Fund, and the Legislature shall provide for the collection of such taxes and the impounding of the revenue therefrom for the payment of the said deficit, until such time as Twenty Million Dollars (\$20,000,000) accrues after September 1, 1939. When said sum of Twenty Million Dollars (\$20,000,000) shall have accrued, the Legislature may repeal said tax laws or use the revenue therefrom as it sees proper.

Sec. 10. So much of Article 3, Section 51, of the Constitution as levies a State ad valorem tax for the purpose of creating a special fund for the payment of pensions to Confederate soldiers and sailors is hereby repealed.

Sec. 11. The provisions hereof providing for Old Age Assistance shall not be construed as a vested right in the recipients of such old age assistance. The taxes levied in this amendment shall become effective September 1, 1939, and shall be in addition to all other taxes now or hereafter levied by law.

Sec. 12. The term "retail sale" shall include all transactions whereby the ultimate consumer or user, for a valuable consideration, (a) acquires title to tangible personal property, (b) acquires possession and the right to consume or use tangible personal property, (c) acquires the use of electric energy or the use of natural gas and (d) acquires food, beer, liquor, confections and beverages, and the service thereof. The term shall not include the following transactions, viz: (a) isolated or occasional sales of property and the service thereof, (b) the first sale by the producer of garden, orchard, dairy, or agricultural products or of livestock, poultry and the products thereof, and (c) transactions involving the acquisition of gasoline, motor fuel and cigarettes.

Sec. 13. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State on the third Saturday in July, 1939, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"FOR the Amendment to the State Constitution providing a system of Old Age Assistance, levying Social Security taxes for the payment of such Old Age Assistance and providing a source of revenue for the payment of Destitute Children's Assistance, Teachers' Retirement Benefits, Confederate Pensions, Assistance to the Blind, and aid for Schools."

And all those opposed shall write or have printed on their ballots the words:

"AGAINST the Amendment to the State Constitution providing a system of Old Age Assistance, levying Social Security taxes for the payment of such Old Age Assistance and providing a source of revenue for the payment of Destitute Children's Assistance and Teachers' Retirement Benefits, Confederate Pensions, Assistance to the Blind, and aid for Schools."

Sec. 14. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and laws of this State.

The sum of Twenty Thousand (\$20,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of this State not otherwise appropriated to pay the expenses of such publication and election."

#### Senate Resolution 55

Senator Sulak, by unanimous consent, offered at this time the following resolution:

Whereas, There is present in the Capitol the Senior Class of the La Grange High School, La Grange, Texas, and

Whereas, Among its members are talented singers, therefore, be it

Resolved, That the entire class be granted the privilege of the floor and that they be invited to sing for the Senate, and be it further

Resolved, That a copy of this reso-

lution be furnished the president of the class.

The resolution was read; and on motion of Senator Sulak, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the members of the class, having been escorted to the bar of the Senate by Senator Sulak, sang for the Senate.

#### Bill Re-referred

On motion of Senator Hardin, and by unanimous consent, S. B. No. 395 was re-referred from the Committee on State Affairs to the Committee on Labor.

#### Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 407, "An Act to provide for the issuance of certificates of title covering motor vehicles and their parts, with certain specified exceptions, so as to disclose ownership and encumbrances; defining the terms 'motor vehicle', 'lien', 'owner', 'mortgagee', 'mortgagor', 'first sale', 'subsequent sale', 'new car', 'used car', 'person', 'hereafter', 'receipt', 'stolen and converted', 'concealed motor vehicle', 'manufacturer', 'importer', 'distributor', 'dealer', 'motor number', 'serial number', 'manufacturer's certificate', 'importer's certificate', 'certificate of title', 'department', and 'designated agent'; placing the administration and enforcement of the law in the Department of Public Safety, and providing its rights and duties in respect thereto; authorizing the said Department to prescribe necessary forms, and to make rules necessary to effectuate the law; etc., and declaring an emergency."

H. B. No. 802, "An Act validating proceedings heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct waterworks and sewer systems for such cities, validating the bonds to be issued pursuant to such proceedings and the indentures executed and to be executed as security for such bonds, authorizing the adoption of

the proceedings necessary to complete the issuance of such bonds, validating proceedings had in the incorporation of such cities, providing the manner in which the assessed valuation of taxable property may be determined in such of said cities as have not heretofore levied taxes, repealing all conflicting Acts, and declaring an emergency."

#### House Concurrent Resolution 73 Referred

The following resolution received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 73, to Committee on State Affairs.

#### House Concurrent Resolution 74

The following resolution received from the House today, was laid before the Senate at this time:

H. C. R. No. 74, Endorsing the "Truth in Fabric" bill, now pending in Congress.

The resolution was read; and on motion of Senator Winfield and by unanimous consent, it was considered at this time and was adopted.

#### House Concurrent Resolution 75

The following resolution received from the House today, was laid before the Senate at this time:

H. C. R. No. 75, Endorsing the McCarran bill now pending in Congress.

The resolution was read; and on motion of Senator Winfield, and by unanimous consent, it was considered at this time, and was adopted.

#### Senate Resolution 56

Senator Collie, by unanimous consent, offered at this time the following resolution:

Whereas, It has become public knowledge that Mrs. Clara Driscoll of Corpus Christi, outstanding patriot and benefactor, has made a generous gift of approximately Ninety-two Thousand (\$92,000) Dollars to the Texas Federation of Women's Clubs to be used to pay off an over-due obligation and debt against the state headquarters building at Austin, and

Whereas, Mrs. Driscoll many times in the past has performed similar deeds of civic service and philanthropy, including the preventing of a proposed hotel from overshadowing the Alamo, and paving the way to making a park of the surrounding grounds, and her vigorous campaign through the Daughters of the Republic of Texas to preserve the Alamo grounds, and later advanced many thousands of dollars for this purpose.

Her generous gifts also include donations to the Democratic Party without hope or expectation of reward, and she has been an active leader in arousing Texas Women to an increased interest in the State's romantic history and civic progress, and

Whereas, It is the desire of the Senate of Texas that proper recognition should be accorded this splendid woman for her unselfish services. Mrs. Driscoll, by reason of her successful efforts in saving the Texas Shrine of Liberty at San Antonio, was awarded the title by the Daughters of the Republic of Texas of "Custodian of the Alamo." She has written several books, including "The Girl of La Gloria," published in 1905, and "In the Shadow of the Alamo," published in 1906. She is also author of a comic opera, "Mexicanna," and a number of short stories and historical articles.

Mrs. Driscoll has served as vice chairman of the executive board of the Texas Centennial Exposition, and as Director General of the Austin Pan-American Round Table. She is president of the Daughters of the Republic of Texas and the Violet Crown Garden Club, and is honorary life president of the Texas Club of New York City. At the State Democratic Convention in Beaumont in 1928, Mrs. Driscoll was unanimously selected Democratic National Committeewoman for Texas, and has continually held said honor and position, and

Whereas, Today the beautiful and artistic building belonging to the Texas Federation of Womens Clubs stands free of debt and incumbrance, due to the generous gift of this outstanding woman, and it being fit and proper that this further public-spiritedness be recognized along with the splendid services of the president of the Texas Federation, Mrs. Joseph M. Perkins, of Eastland, and her cabinet of officers in lifting this burden from the various clubs of the State, therefore be it

Resolved, That the Senate of the

State of Texas does hereby express its gratitude and appreciation to these splendid Texas women, and that the secretary of the Senate be instructed to transmit copies of this resolution to Mrs. Clara Driscoll, and to Mrs. Joseph M. Perkins of Eastland.

COLLIE,  
BROWNLEE.

The resolution was read; and on motion of Senator Collie, and by unanimous consent, it was considered at this time and was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act to repeal Section I of H. B. No. 993, enacted by the Forty-fifth Legislature, relating to the trial of insane persons charged with crime and providing for the commitment of such persons to a State Hospital for the Insane, if found to be sane at the time of the commission of the offense but insane at the time of the trial of such person, and for the trial of persons charged with crime who were sane at the time of the commission of the crime but insane upon the trial of their case; and enacting in lieu of said provisions relating to the trial of insane persons charged with crime as provided in Section I of said Act of the Forty-fifth Legislature, a provision providing that in any case where present insanity of the defendant is interposed as a defense, and that issue is tried before the main charge, and the jury shall find the defendant insane, the court shall thereupon make and have entered on the minutes of the court an order committing the defendant to the custody of the Sheriff to be kept sub-



ject to the further order of the County Judge of the County, and the proceedings shall forthwith be certified to the County Judge who shall at once take the necessary steps to have the defendant committed to and confined in a State Hospital for the Insane until he becomes sane, and declaring an emergency."

H. B. No. 224, A bill to be entitled "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permit issued under the provisions of this section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than six thousand seven hundred fifty (6,750) and not more than six thousand eight hundred fifty (6,850) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act making theft of peanuts, peanut hay, or peanut meal a felony; prescribing penalties therefor, and declaring an emergency."

H. B. No. 402, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, wage earners, and farmers to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation concerning applications for charters and amendments to charters for such purposes, and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act to amend Chapter 5, Title 14 of the Revised Criminal Statutes of 1925, as amended by Acts of the Regu-

lar Session of the Forty-first Legislature of the State of Texas by amending Articles 1037 and 1037a relating to weights and measures, and by adding the following new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, and 1037i, requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; providing standards for the sale of butter, bread, milk, and meat and meat food products; including poultry; providing for establishment of standard net weight, net measure, or net numerical count for commodities, products or articles; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a saving clause, and declaring an emergency."

H. B. No. 406, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of the Regular Session of the Forty-second Legislature of the State of Texas, pertaining to weights and measures, by amending Article 5714, which provides for the promulgation of specifications and tolerances for commercial weighing and measuring devices, and by adding a new article to be numbered Article 5714a, providing for the approval of type for commercial weighing and measuring devices, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 478, A bill to be entitled "An Act making it a penal offense for any person, agent, and/or attorney, knowingly, to make any false statement or report in writing to any department in this State regarding the allowables of oil and/or gas for the purpose of allocating and/or increasing said allowables; defining a dead well; making Act cumulative, and providing that any statement so made shall constitute a felony, and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act providing regulations for the use of seines and nets, for the removal of rough fish from the waters

of Zavala County; repealing all laws in conflict with this Act; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act providing a closed season during the months of January, February, March and April for taking or attempting to take fish in Uvalde and Zavala Counties; prohibiting the taking of minnows in Uvalde and Zavala Counties for commercial purposes; repealing all laws insofar as they conflict with this Act, providing a suitable penalty, and declaring an emergency."

H. B. No. 493, A bill to be entitled "An Act amending Article 5986 of the Revised Civil Statutes of 1925, eliminating certain provisions of said Article, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency."

H. B. No. 526, A bill to be entitled "An Act authorizing the Commissioner of Agriculture of this State to establish and maintain quarantine regulations in order to prevent the introduction into or the spread within this State of pests and diseases for the protection of agricultural industry of this State and to provide for the inspection of things and plants with reference to such quarantine, requiring persons to notify the Commissioner of Agriculture of the arrival of such things and plants against which a quarantine has been established and to hold them for inspection, and providing for the disposal of such infected things or plants by the Commissioner of Agriculture and further providing the manner of declaring such quarantines and providing for investigation by the Commissioner of Agriculture in order to determine the existence of such pests and diseases and authorizing him to declare and enforce quarantine in order to prevent the spread thereof, and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act amending Subdivision (b) of

the first paragraph of Article 2529 of the Revised Statutes of Texas, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation and consolidated Federal Land Bank bonds, declaring that all laws in conflict herewith are hereby repealed, fixing the effective date of this Act, and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act to reorganize the 104th Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in the several counties thereof; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties of said district as herein fixed, and to validate old process and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith and fixing the time when this Act shall become effective, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 20 by Stone of Washington et al., Instructing State Planning Board and the Director thereof to transfer all records of said Board to the quarters tendered by A. & M. College, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 322 by Small, A bill to be entitled "An Act creating the Texas Funding Bond Commission and prescribing its duties; authorizing the issuance of Seventeen Million (\$17,000,000.00) Dollars of State of Texas Funding Bonds for the purpose of funding a like amount of legally outstanding General Revenue Fund Warrants, and providing method of procedure, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by Committee Amendments Nos. 1 through 5 and be printed.

WEINERT, Chairman.

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 336, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1939, known as the Pink Boll Worm Law, and amendments thereto; and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senator Hill, by unanimous consent, submitted at this time the fol-

lowing report of the Committee on Towns and City Corporations:

Austin, Texas,  
March 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 420 by Nelson, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

HILL, Chairman.

#### Minority Report

Senator Stone of Washington submitted the following report:

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. C. R. No. 20,

Have had the same under consideration, and differing from the majority, beg leave to report that we recommend that said Concurrent Resolution do pass and be printed.

STONE of Washington,  
COLLIE,  
STONE of Galveston.

#### Senate Bill 404 on Second Reading

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 404 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 404, A bill to be entitled "An Act amending Section 1 of Chapter 152, Acts, Regular Session of the Forty-second Legislature relating to

fees to be charged and collected by the Board of Insurance Commissioners, so that hereafter said Section 1, which is Article 3920, R. C. S. of Texas, shall read as follows, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 404 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 404 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalfe	Winfield

##### Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalfe	Winfield

##### Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

#### House Bill 374 on Second Reading

On motion of Senator Nelson, and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 374 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 374 by adding a new section to be numbered —:

Provided, the State Superintendent shall see that the examinations are held in the Counties of the residence of the various students.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 374 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 374 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—26

Aikin	Graves
Beck	Hardin
Brownlee	Hill
Burns	Isbell
Collie	Lanning
Cotten	Lemens

Martin	Shivers
Metcalf	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Weinert
Roberts	Winfield

Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

**Senate Bill 407 on Second Reading**

On motion of Senator Winfield and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 407 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all re-sales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, according to the last preceding Federal Census, to the spouse of the forfeiting owner,, where such public school lands were forfeited prior to January 1, 1938, and came under the

terms of either Acts 1925, Thirty-ninth Legislature, Regular Session, Chapter 94, page 267, or Acts 1926, Thirty-ninth Legislature, First Called Session, Chapter 25, page 43, or any amendments to either of said Acts, and either the forfeiting owner or the spouse of the forfeiting owner filed, prior to January 1, 1938, his request for the re-valuation of such lands and said request was granted and said land re- valuated by the Commissioner of the General Land Office, and such lands re-sold or awarded by the Commissioner of the General Land Office, prior to January 1, 1938, to the spouse of such forfeiting owner, and providing that such re-sale or award to such spouse of such forfeiting owner shall be deemed as valid as if such sale or award had been made in the name of the forfeiting owner himself; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 407 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Stone
Hardin	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield
Moffett	

## Present—Not Voting

Hill

## Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

## Senate Bill 346 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 346 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 346, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a section to be known as Section 14b authorizing the sale, lease or other disposition to any electric cooperative, municipality, or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 346 by substituting a semi-colon in lieu of the period following the figures "\$25,000,000" in line 29, page 1, of the printed bill, and after such semi-colon add the following: "provided, however, that in the event that any outstanding bonds shall be paid at maturity other than through the application of the proceeds of other bonds or through the issuance of other bonds in exchange therefor or shall be retired prior to the stated maturity thereof by operation of any sinking fund provided for the bonds so retired in the proceedings authorizing the same or from the proceeds of the sale of property the aggregate principal amounts of bonds herein authorized to be outstanding at any one time shall be reduced by the principal amount of the bonds so paid or retired."

BROWNLEE,

STONE of Washington.

The amendment was adopted.

The bill was passed to engrossment.

## Senate Bill 346 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 346 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

## Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Brownlee	Moore
Burns	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Hill	Shivers
Isbell	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Weinert
Moffett	Winfield

## Nays—3

Aikin	Sulak
Collie	

## Absent

Beck

## Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

### Motion to Set Senate Bill 6 as Special Order

Senator Moore moved that S. B. No. 6 be set as a special order for 2:00 o'clock p. m. next Monday, April 3, 1939.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—14

Brownlee	Pace
Burns	Roberts
Collie	Shivers
Graves	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Moore	Weinert

## Nays—8

Aikin	Moffett
Cotten	Redditt
Martin	Sulak
Metcalf	Winfield

## Absent

Beck	Lemens
Hardin	Nelson

## Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

### House Bill 835 on Second Reading

On motion of Senator Aikin, and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 835 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 835. A bill to be entitled "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes, and providing an effective date, relating to terms of District Court in Lamar and Hopkins Counties."

The bill was read second time and was passed to third reading.

### House Bill 835 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 835 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield

## Absent—Excused

Head	Spears
Kelley	Van Zandt
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26		Stone	Weinert
Aikin	Martin	of Washington	Winfield
Beck	Metcalf	Sulak	
Brownlee	Moffett	Absent—Excused	
Burns	Moore	Head	Spears
Collie	Nelson	Kelley	Van Zandt
Cotten	Pace	Small	
Graves	Redditt	Adjournment	
Hardin	Roberts	On motion of Senator Collie, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, April 3, 1939.	
Hill	Shivers		
Isbell	Stone		
Lanning	of Galveston		
Lemens			



In Memory of  
**Hon. Nelson Phillips**

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Senator Graves offered the following resolution:

(Senate Resolution 57)

Whereas, On March 30th, 1939, at an early hour, an all wise and loving Creator recalled to His Heavenly Home one of the outstanding citizens of Texas and learned, just and brilliant public servants, the Honorable Nelson Phillips, former Chief Justice of the Supreme Court of Texas, whose death occurred in Dallas, Texas; therefore, be it

Resolved, That the Senate of the State of Texas convey, through its Secretary, a message of sympathy to the bereaved family, and be it further

Resolved, That the President of the Senate appoint a Committee of three to adopt a suitable memorial to the life and character of Judge Phillips to be printed in the Journal, and that when the Senate adjourns today it do so in the memory of this great man.  
GRAVES.

Signed—Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read and was adopted unanimously.

On motion of Senator Hill, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.